



EDUCATIONAL ADVOCACY PARTICIPANT GUIDE

A photograph of a person's arm holding a large white frame. Inside the frame, the text 'Educational Advocacy Toolkit' is written in a bold, blue, serif font. The background of the photo is blue.

Educational Advocacy Toolkit

Welcome

Once you have equipped yourself with the tools you need to do the job of advocating for your CASA child, you can move forward and be the everyday hero that your child deserves. An advocate is someone who uses compassion, integrity, and justice to stand up for what is in the best interest of the child or children in each case. We call this **The CASA Way**.

The CASA Way!

We have an uncompromising belief that we can achieve what others think is impossible and that each of us is an essential part of the solution.



Icons Used In This Book



This icon alerts you to any **laws, regulations or codes** that apply to the subject of the toolkit.



The **tool** icon gives you just what it says, tools to make your advocacy a bit easier.



Don't forget these quick **tips** that make complicated issues more understandable.



**WHAT WOULD A
ADVOCATE DO?**

That pretty much says it all.

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EDUCATIONAL ADVOCACY

TOOLKIT

This Educational Advocacy Toolkit was specifically developed to help CASA volunteers ensure that all of their CASA children receive an education that meets their individual needs, which may involve a wide range of services to meet each child's educational goals. This toolkit looks at how the education and child welfare systems intersect and provides you with the information and tools to help you make a difference in your CASA child's education.

The goal of this toolkit to provide you with the knowledge and tools you need to identify education- related challenges experienced by your CASA child and to advocate effectively to overcome them. The toolkit is organized in topic areas such as Things You Need to Know about Schools, School Placement, Day to Day Educational Advocacy, Special Education and Section 504, School Readiness, and College Readiness. The toolkit is deliberately brief and simplified; wherever possible, resources are noted should you need or want to explore additional information.



This training was adapted from the Texas CASA Fierce Advocate Series to offer Iowa CASA volunteers a set of tools that will help them be that everyday hero that these children need.

CHAPTER 1

EDUCATIONAL CHALLENGES FOR CHILDREN IN FOSTER CARE

Chapter at a Glance:

- Why is Educational Advocacy So Important?
- Challenges with Placement and Stability
- The Impact of Childhood Trauma
- The Need for Normalcy

Facts About Youth in Foster or Out-of-Home Care

What We Know:

Poor educational outcomes often lead to poor employment outcomes for youth transitioning from foster care.

- Nationally, each year 29,000 young people transition from foster care to self-sufficiency when they turn 18. Of those:
 - 25% do not have a high school diploma or GED
 - 6% will finish a 2 or 4 year college but 70% have the desire to attend college
 - Only 17% will be completely self-supporting
- In Iowa, there were 1,062 youth age 16 and older in out of home care in 2013.

Source: *Educators Making a Difference for Students - IFAPA*

Why is Educational Advocacy So Important?

Children in foster or substitute care may have unique educational needs. As a CASA volunteer, you should be aware of how contact with the child welfare system could potentially affect a child's education.

Challenges with Placement and Stability

Children who grow up in the child welfare system face a number of obstacles and challenges related to their ability to access a high quality education and attain their educational goals. This situation is the result of a number of things:

- Frequent school changes as the children move from home to home and sometimes community to community
- Cross-system breakdowns that prevent smooth transitions between homes and schools
- Deficits in school readiness as a result of frequently traumatic and/or neglectful home experiences prior to entering foster care
- Higher rates of school dropout, truancy and disciplinary issues than their peers
- Lack of a consistent education advocate to ensure that the children receive all necessary services and supports



That's where you come in.

The Impact of Childhood Trauma

Trauma and stressful childhood experiences may impact students' learning, behavior and socialization. Many youth experience grief and loss that is associated with not only the alleged abuse or neglect and traumatic experiences that brought them into the foster care system, but also the removal from all they care about, know and love. As a result of this trauma, students in foster care may show signs of depression or anxiety and may have trouble trusting adults and socializing with their peers. Children in foster care have experienced tremendous loss by being separated from parents, siblings, personal belongings and their friends and teachers at school, and this trauma may have a significant effect on their ability to do well in school.

The Need for Normalcy

For many children in foster care, school provides a safe environment and a chance to feel normal. Familiarity with teachers, coaches and friends as well as an opportunity to learn and excel creates a unique opportunity to support and encourage a child in crisis. In addition, every child learns differently, so it is important to continue to surround the student with people who are familiar with his or her unique needs. To maximize social and academic progress, the student should continue in the same school, whenever possible, despite disruptions in the child's home life.

The Fostering Connections

Act of 2008 is a federal law that emphasizes the importance of school stability and maintaining the child in the school in which the child was enrolled at the time of placement.



The act also requires child protective agencies to take into account the appropriateness of the current education setting and proximity to the school in which the child is enrolled at the time of placement in foster care.

In addition, if remaining in the same school is not in the child's best interest, the child welfare agency and school districts must work together to ensure immediate enrollment and transfer all of the child's education records to the new school. For these reasons, when making a recommendation regarding your CASA child's living arrangements – especially if those arrangements need to change – you should always take the child's school into account.

CHAPTER 2

WORKING WITH IOWA SCHOOLS

Chapter at a Glance:

- Important Education Information Advocates Should Know
- Confidentiality Concerns
- Confidentiality DOs and DON'Ts



The following information is designed to help you initiate positive relationships with school personnel and ensure that the educational needs of your CASA child are being addressed.

Important Education Information Advocates Should Know

Although there are legal requirements for all schools districts, there is also a significant amount of local control, which creates a wide variety of policies and practices across Iowa schools. It is helpful to ask questions and clarify policies, practices and expectations and to not assume one school operates the same as another.

School personnel may be unfamiliar with DHS or CASA. Take the opportunity to increase awareness and educate school personnel about CASA and DHS. Part of your work as an Advocate is to educate people about the foster care system, your role, and the unique challenges children and youth in substitute care may face.

If your CASA child needs to move, planning for and scheduling a school change if necessary requires several important things be considered. Every district has its own calendar for holidays, testing dates and grading periods, as well as its own policies and requirements for things such as how credits are transferred and graduation. This makes it critical for the CASA volunteer to look into the impact and timing of a school move on the grading period/course credit, testing, or other important educational milestones that may affect the student. CASA has the opportunity to inform the school and court about the move and consult with others about the impact of the move on the student's education. Consulting with the school will also help to determine what is academically best for the student.

Many education laws exist to support students in foster care.

It is important that you are familiar with the various laws that exist to advance the education of students in foster care. Informed advocates can ensure that students are familiar with and take advantage of the numerous laws, policies and resources that are available to support students in Iowa schools.



Educators are advocates, too.

Teaming with schools is an important part of your work. School personnel are resources for your student. Work to build relationships with your partners in school to leverage these resources and opportunities for your CASA child.



Confidentiality Concerns

Federal confidentiality laws govern how information goes back and forth between DHS and schools.

Schools are required to safeguard the privacy of students' education records. The [Family Educational Rights and Privacy Act \(FERPA\)](#) is a federal law that protects the privacy of student education records. Generally, schools must have parental consent to release personally identifiable student record information, although there are certain exceptions.



A court order is often the most applicable FERPA exception for a CASA volunteer to use to get school records for children in foster care since there is already an open court case. Your access to a student's educational records is typically established by the court order that names you as a CASA or as a CASA Guardian Ad Litem (GAL) for the child and includes language about who can access the child's records. CASA volunteers should find the language they are looking for about school in the Order to Appoint CASA.

Under the [Uninterrupted Scholars Act \(USA\)](#), which amended FERPA in 2013, the school district is permitted to share educational records directly with the caseworker when DHS/DHS has been named the child's conservator and the child is in foster care. The school does not have to provide additional notice to the child's parent. The USA also allows DHS caseworkers to relay that school information to the court with a court order and without the need for parental consent. The USA did not change the fact that this information is highly sensitive and should be maintained in a responsible and confidential way. For more information, visit <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/uninterrupted-scholars-act-guidance.pdf>.

On the DHS side, the [Child Abuse Prevention and Treatment Act \(CAPTA\)](#) defines child abuse and neglect and prohibits the improper disclosure of child welfare records.

In light of the extreme stress and trauma children in foster care may endure, it is of the utmost importance that you also respect the confidentiality of information related to your CASA child. When talking to the teachers and counselors, you need to consider the direct educational relevance of things you relay to the school.

For example, it might be relevant to share that the child may exhibit behavioral issues on Tuesdays because the child visits his or her father on Mondays. However, it is inappropriate to share any details about the visit or why the child came into foster care in the first place. You also need to coordinate your information sharing with the caseworker when possible.



A child deserves to know adults at school respect their feelings and support their right to privacy

CONFIDENTIALITY DOS AND DON'TS

Please keep the following information in mind:

- When it comes to out-of-home children in the classroom, the family caring for the child is bound by confidentiality rules set by the Iowa Department of Human Services and the Iowa Code (237.9). Information regarding children in care, which is obtained from DHS, is confidential.
- Foster parents do not automatically have the authority to sign consent forms.
- Foster parents cannot identify the child as a child in care and are not allowed to release or share information regarding the child.
- DO encourage the school to contact DHS. For the school to receive specific information on the child they must contact the child's Iowa Department of Human Services social worker or birth parent who have the authority and responsibility to disseminate information on the child.
- A foster parent may discuss information they have gained from their interactions with the child including school performance, grades or discipline as well as homework or assignments. The staff at a school may assume a child is in foster care if they know the family the child is placed with. Teachers and other school personnel have a responsibility to keep this and any other information they know about the child private.
- Do bring your court order to the school and provide a copy to the school for their records.
- The CASA program staff, advocate and coach shall maintain any information received from any source as confidential and will not disclose the same except pursuant to the provisions of Iowa Code Sections 217.30, 228.6, subsection 1, sections 232.147, 235A.15, 237.21, 600.16, and 600.16A.



The first thing to do is get acclimated to the school and situation of the child or children from your case. The next chapter will provide a checklist of what you will need to do when going to the school for the first time.

Don't forget that the educators you will be interacting with likely entered the education arena because they care about children. They also are faced with the same type of challenge as a DHS worker: too many kids in their classes and not enough time. You have the advantage of being the CASA for one child or one or two cases.

CHAPTER 3

EDUCATIONAL ADVOCACY 101

Chapter at a Glance:

- Who makes educational decisions for children in foster care?
- Education Roles and Responsibilities
- The Role of CASA as the Education Advocate
- Some Practices to Consider



There are many people involved in the education of a child in foster care. Read on to find out who is involved in your CASA child's education, define your role as the CASA volunteer and learn how to work collaboratively to help meet the child's educational needs.

Who Makes Education Decisions for Children in Foster Care?

Depending on the child's needs and age, different people may participate in making education-related decisions including the DHS caseworker, school staff, the caregiver, the child and the CASA volunteer. It is very important for CASA volunteers to define their role and work with everyone involved to get the best educational outcome for the child.

The Iowa Department of Human Services (DHS)

If DHS is awarded the Authorization to Act by the court. DHS is legally responsible for all decisions related to the child, including those that involve education. Although DHS can delegate some day-to-day decision-making authority regarding education to the child's caretaker or others.

Check your Court Orders!

Court orders typically include language like the following example:

* Authorization to Act: The supervising agency when appointed as custodian of a child is permitted to execute consents, releases, authorizations, or similar documents for medical, educational, or similar purposes, on behalf of the child. This power shall be exercised by the worker assigned to the child's case or the worker's supervisor.

*Authorization to Act: The caretakers of a child are permitted to execute consents, releases, authorizations, or similar documents for medical, educational, or similar purposes on behalf of any child placed in their care.



Education Roles and Responsibilities

DHS	PARENT	FOSTER PARENT	CASA
Accesses school records	Accesses school records	Accesses school records	Accesses school records
Selects school	Should be involved in decisions regarding the child's education	May enroll child in school	Advocates for child's educational needs and goals to be met
Receives notice of disciplinary action and special education (IEP) meetings	Receives notice of disciplinary action and special education meetings	Receives notice of disciplinary action and special education meetings	Reports on educational issues at every court hearing
	Participates in conferences and school functions	Obtains report cards and approves field trips. Determines (with the child if appropriate) course selection, etc.	Receives notice of special education IEP meetings

The Role of CASA as the Education Advocate



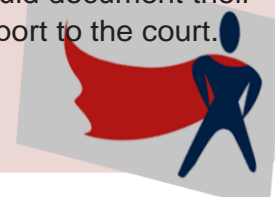
Legal duties under the Under Iowa Code 232

Sections 232.147(3), 237.21 and 235A.15(2)(d):



The CASA has a right to access the child's records, including child welfare and school records. Anyone who is granted access to the records has a continuing duty to maintain confidentiality and not re-disclose the information improperly.

The CASA must determine before every review, permanency and placement hearing whether the child's educational needs AND goals have been identified and addressed and should document their findings in the CASA report to the court.



CASA VOLUNTEER ROLES AND RESPONSIBILITIES

- Share a copy of the initial court order appointing CASA on the case (found in your case file) with the school. Many schools will not allow you access to the child's records without this documentation.
- Become an expert on your CASA child's educational needs. Inform yourself about your CASA child's education rights and entitlements. Monitor whether his or her educational needs are being met.
- Seek to build collaboration with school personnel when advocating for the child.
- Communicate regularly with your CASA child. Be a consistent presence in his or her life, especially during a placement or school move.
- Write thorough court reports that make your CASA child's educational needs clear.
- If there is a possibility of a school change, talk to the DHS worker and the court about your thoughts or concerns. Relay all critical information that could affect a school move, such as upcoming test dates or key extracurricular events.
- There are many ways a CASA volunteer can advocate in the school setting regarding credit transfer, appropriate classes, special education evaluation, discipline, extracurricular involvement, endorsements and graduation plans. For more information about these issues, explore the following chapters of this toolkit.



SOME PRACTICES TO CONSIDER

- Attend IEP and other school meetings if possible.
- Support students in areas of interest – communicate with students about their goals and interests and help connect students to opportunities that support this whenever possible.
- Connect students with school staff mentors. CASA can't be at school every day, but caring educators are.
- Encourage positive behavior and work completion. This helps to reinforce teacher and foster parent rules.
- Help students with accepting responsibility and following through.
- Monitor behavior reinforcement systems. Make sure the child's school follows through on positive behavior systems and plans.



The school will expect to see a court order before giving personal information about the student. The school likely will also ask for identification such as a driver's license to run through its campus visitor security system. Have your CASA business cards handy to pass out any school staff that you want to stay in contact with.



- Do your homework and ask questions. Education law, policy and practice may be complicated if you aren't familiar with the Individuals with Disabilities Education Act (IDEA) and other laws and guidelines.
- Build relationships with your CASA child's teachers, DHS caseworkers, counselors, caregivers and school leaders.
- Keeping confidentiality in mind. Make sure that teachers, principals, counselors, judges and any other key players have up-to-date information at all times.
- Be consistent in your involvement.
- Remember that you play a significant role in gathering and providing information to the court and helping the child navigate through multiple systems.
- Ask the school counselor and teacher how you can help.

CHAPTER 4

HOW TO ADVOCATE FOR EDUCATIONAL PLACEMENT

Chapter at a Glance:

- The Importance of Stability
- Enrollment
- Records Transfer
- Credit Transfer

“ School changes may be inevitable for many children in foster care, but there are a number of steps you can take as a CASA volunteer to ensure a seamless transfer between schools and lessen the impact of the school move on the child.”



The Importance of Stability

In some cases, an appropriate foster home is not available to meet a child's needs in the child's school district, or the child is placed with a family member in another school district. In those cases, it may be necessary for the child to change placements and attend a different school.

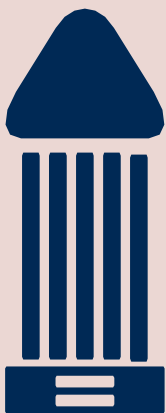
Most placement moves require a change in schools, and **students average a four to six-month loss in emotional and academic growth for each school move.** Students in foster care not only suffer the loss of emotional and social connections but may also lose course credits, repeat courses they have already taken, and/or be placed in inappropriate classes or grade levels.

School changes may be inevitable for many children in foster care, but there are steps you can take as a CASA to ensure a seamless transfer between schools and lessen the impact of the school move on the child. As a CASA volunteer, you can provide additional help by making sure the child is quickly enrolled in the new school and his or her education records are transferred.



Find out if any placements are available that would allow the child to continue attending his or her current school. If no placements are available in the school's "zone of attendance," ask about transportation options to see if your CASA child may stay at the same school.

Child Welfare Information Gateway recently launched a new webpage, [Educational Stability in Foster Care](#). The new webpage contains resources that address common challenges, including immediate enrollment, transportation, and decision-making.



According to Iowa Code Section 282.19, a child who is living in a foster home or relative placement shall remain enrolled in the school in which he or she was enrolled at the time of placement, unless it is determined by the juvenile court or DHS that remaining in that school is not in the best interests of the child. If such a determination is made, the child may attend an accredited school located in the school district in which the child is living and not in the school district in which the child resided prior to receiving foster care.

The Every Student Succeeds Act (ESSA) (P.L. 114-95) was signed into law on December 10, 2015, as [Public Law 114-95 \(PDF - 895 KB\)](#). ESSA reauthorized the Elementary and Secondary Education Act and includes new provisions that promote educational stability for children in foster care so they can continue their education without disruption, maintain important relationships, and have the opportunity to achieve college and career readiness. The law also emphasizes the importance of collaboration and joint decision-making between child welfare agencies and educational agencies.

Records Transfer

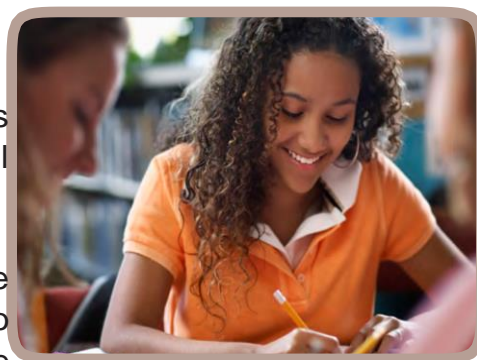
Without a student's records, it is difficult for a school to provide the right services and instruction. A fast and efficient transition will lessen the negative effects of a school move.



- Because of a FERPA exception, even if a caregiver or foster parent did not formally withdraw the student from the previous school, enrollment by a student in another school district provides authority for the original school district to release the educational records of that student to the new school, regardless of whether parental or caregiver consent has been received.
- Ask the school if you might be able to assist with the transfer of records. Providing hard copies of a student's records may help expedite enrollment.
- Sharing education-related information with the new school will help to facilitate and streamline enrollment.

Credit Transfer

Principals/school committees and boards have a range of authority to develop local credit recovery and transfer policies.



As a CASA volunteer, you should coordinate with school and district administration to ensure no credits have been lost and that the child is placed in the proper grade level. Communicate regularly with the school and follow up to make sure the child is properly withdrawn from the previous school to facilitate the credit transfer process. When possible, check the school calendar and advocate for required moves after the end of the semester or grading period. Be mindful of state-mandated examinations, college admission test schedules and Advanced Placement (AP) exam schedules.



Although you will not be responsible for enrolling your CASA child in school, it is very important that you understand the process so that you can advocate when necessary. Ask these questions:

- Where does the child want to go to school?
- What does the child say about his or her school?
- What setting will best serve the child's educational needs and goals?
- Is the child progressing academically and on grade level?
- Does the child need additional school support?
- Is the new school aware of the previous services and supports received by the child?
- Can the new school continue to provide the same services and supports as the previous school?
- Is the current school setting a safe place for the child?
- Were the records transferred?
- Are the records complete?
- Did the child receive credit for previous coursework?
- What are the transportation options?
- Is everyone aware of the child's strengths and interests?

Different Placements May Require Different Educational Advocacy

How you get involved in educational advocacy for your CASA child will be different depending on the type of placement where the child lives. For example, if the child resides with a relative, the caregiver may need additional help to navigate enrollment and other school processes.

If your CASA child is in a residential facility, **it will be even more critical for you to be informed** about your child's educational needs. Iowa does have residential facilities which provide youth with treatment services for emotional and behavioral disorders. If your CASA child is in a residential facility, talk with staff about their school schedule and educational needs. Stay up to date with your CASA child's living arrangements, should transition to a public school occur.

CHAPTER 5

HOW TO ADVOCATE FOR DAY-TO-DAY EDUCATIONAL NEEDS

Chapter at a Glance:

- Attendance
- Behavioral Problems and Discipline
- Grades and Academic Support
- Graduation Program
- Extracurricular Activities
- Nutrition

“There are many areas in which a parent is typically involved in their child’s life at school, including discipline, attendance, grades, assessments, extracurricular activities and tutoring. Foster children need even more diligent attention in these areas.”



In a perfect world no child would need an Advocate, but children in foster care often need a strong and reliable advocate when their parents are unable to fill that role. There are many areas in which a parent is typically involved in their child's life at school, including discipline, attendance, grades, assessments, extracurricular activities and tutoring. Foster children need even more diligent attention in these areas.

Attendance



Iowa has a compulsory attendance law. This means the "custodian" of a child between the age of 6 and 16 is responsible for making sure the child attends school. A custodian may be a parent, guardian, or other caretaker such as a foster parent. Students with excessive absences may restore credit if district policies allow them to do so.

Behavioral Problems and School Discipline

School suspensions and expulsions contribute to education gaps and learning delays and also put students at serious risk of dropping out of school. Police involvement in unlawful conduct at school can lead to financial problems and involvement in the juvenile or criminal justice systems.

In order to keep youth engaged in school and on track for graduation, schools are encouraged to use trauma-informed approaches with Response to Intervention (RTI) and Positive Behavior Support (PBS) strategies to prevent behavioral issues whenever possible.

CASA volunteers may work with school personnel to help them better understand and make connections between a student's learning needs and behaviors in the school setting and circumstances out of the school setting. Sensitivity to and awareness of the challenges students may be facing can help school personnel respond in a way that is sensitive and adaptive to student's needs.



TIP

Coordinate with the child's caregiver about transportation and communicate with the school about appointments.

Grades and Academic Support

It is also important to ensure that students are placed in the correct class level at the time of enrollment and throughout the school year. Students will confer with school counselors to identify and plan the appropriate courses for high school graduation. Make sure that your CASA child is in a class that is academically challenging but presented at a level that allows them to succeed.

Pursuing tutors and special supports to ensure that your CASA child successfully manages their academic course load is essential. Every district is unique, so get to know the available services in your area. A great resource is your local school district website. You may be able to contact student support specialists, counselors and others who work with at-risk students.

Depending on the school district, an individual with access to a child's school records can also access the online portal for parents and guardians to monitor grades, absences and disciplinary actions on a daily basis. This may be a very valuable tool for monitoring student performance and typically also allows you to communicate directly via email with teachers.



TIP

Monitor report cards closely to ensure that your CASA child is making satisfactory grades. If your CASA child is struggling in a particular class, you can always advocate to set up a meeting with the student and teacher to discuss the issues and ways you and others can provide support.

STEPS TO TAKE TO SUPPORT A STUDENT'S TESTING

- If they have an IEP or 504 plan, make sure the appropriate accommodations will be given.
- Encourage the student's presence during mandated testing periods.
- Remind the student and caretaker about the importance of proper nutrition and rest in preparation for exam days.
- Monitor the student's assessment results and learning needs.
- Advocate for students to participate in make-up exams if appropriate.
- Communicate with both the sending and receiving school when a child must move before or during an assessment. Make sure a plan and opportunity for the student to take the assessment is in place.





Many foster youth will need support in areas in addition to academic tutoring. For example, some students have poor time management and study skills, and may need help preparing for college entrance exams such as the ACT and SAT, writing college essays and completing applications for colleges, universities or trade schools. There are numerous sources of support for these activities, both online and through schools and nonprofit organizations. The following list offers a couple examples of online support services:

- **How-to-Study.com:** offers many suggestions and techniques for taking notes, developing good listening skills, test taking strategies and more. This is an excellent source for volunteers to get ideas for activities to explore with youth. URL: www.how-to-study.com
- **Online Tutorial Resources:** free online tutorials in a huge variety of academic subjects, including vocational and technology skills, high school and college courses and financial literacy. URL: <http://www.khake.com/page67.html>

Graduation Program

If your CASA child is in or entering high school, you will also want to monitor your child's progress toward graduation. Be sure that the child is enrolled in courses that will lead to graduation under an appropriate graduation program.

Students hoping to attend higher education need to be enrolled in courses that will allow for admission to community college, four year institutions or other programs. Follow up with your child's school counselor to determine if their



courses are appropriate for their future plans.

Extracurricular Activities

Children that participate in sports, clubs, student government, the arts and other extracurricular activities have better grades and higher attendance, and are more likely to complete requirements for high school graduation. However, children in foster care are less likely to participate in these activities due to a number of factors such as transportation needs, fees for the activities and not being aware of the activity.

This is an excellent area in which to advocate for your CASA child. Learn what interests them, what is available in the school district, and make the necessary connections to ensure that he or she is actively engaged in one or more meaningful activities. Advocate for participation in extracurricular activities outside school hours to maximize the student's engagement in school.

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Nutrition

Children and youth in foster care are categorically eligible for free meals under the National School Lunch and Breakfast Programs. These programs also include summer feeding programs in the local communities. Caregivers for children and youth in foster care do not have to complete a separate application for these programs.



CHAPTER 6

HOW TO ADVOCATE FOR SPECIAL EDUCATION AND SECTION 504 SERVICES

Chapter at a Glance:

- Who Makes Special Education-Related Decisions?
- Rights and Responsibilities
- Things CASA Should Know
- Evaluations and Eligibility
- School Transfers for Special Education Students
- Special Disciplinary Considerations
- Graduation

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It is important for you to know your CASA child's strengths and needs so you can advocate for an appropriate special education program, including academic rigor and effective behavior intervention strategies.”



School districts are required to offer services to qualifying students with disabilities in accordance with the federal Individuals with Disabilities Education Act (IDEA) or with Section (§) 504 of the Rehabilitation Act of 1973. As a CASA volunteer, you may be asked to participate in making decisions about your CASA child's need for special education instruction under IDEA or for accommodations through §504.

KEY TERMS REGARDING SPECIAL EDUCATION AND SECTION 504

If you are an advocate of a special education student, the following terms and definitions may be helpful in assisting you to understand the special education process.

- Special Education under IDEA: Specifically designed instruction at no cost to the parents, to meet the unique needs of a child with a disability. There must be a continuum of supports and services, including accommodations and modifications, to ensure the student with a disability has access to the general curriculum. To qualify for special education services, a student must be evaluated and determined to have a disability and an educational need.
- Least Restrictive Environment (LRE): Requirement that a student who has a disability be educated in the least restrictive environment and, to the maximum extent appropriate, with their peers who do not have disabilities.
- Free Appropriate Public Education (FAPE): All special education students are afforded the right to a FAPE – a federal right for students with disabilities to receive special education services at no cost.
- Individualized Education Program (IEP): A plan that is developed by a team that details special education and related services provided to the student through IDEA funding. The team must consist of school personnel AND the child's parent.
- Functional Behavioral Assessment (FBA): A behavioral assessment that uses current data related to target behaviors and addresses behavioral concerns across home, school and community-based settings. The FBA serves as an important tool in determining the student's behavioral needs and interventions.
- Behavior Intervention Plan (BIP): The BIP is developed from an FBA and is part of the student's IEP. It identifies supports and services that will be provided to encourage positive behaviors and manage inappropriate behaviors. A BIP should only be implemented after the school conducts an FBA to determine what function the targeted negative behaviors are serving. The ARD committee reviews the BIP as needed and may modify it during a disciplinary ARD committee meeting.
- 504 Plan: A written plan of accommodations that a child will receive, such as extra time on tests or preferred seating. Students who do not qualify for special education services often receive 504 plans.



Section 504 of the Rehabilitation Act is a federal civil rights law that prohibits discrimination against individuals with disabilities. It ensures that the student with a disability has equal access to an education. Unlike special education services under IDEA, §504 plans provide education accommodations that “level the playing field” without changing what the student is expected to master. Some students with disabilities may not qualify for special education. In those cases accommodations may be provided under §504. Students with attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD) often receive accommodations under §504. For additional information about §504, visit <http://www2.ed.gov/about/offices/list/ocr/504faq.html>.



If your CASA child has a disability and you need more information, ask school personnel about how the child will be evaluated and which programs and services he or she might be eligible for.



Who Makes Special Education-Related Decisions?

For a child to be provided with special education services, a parent must first sign consent for the initial evaluation. This requirement is intended to assure that the unique and extensive knowledge about a child that parents possess enhances the planning and delivery of educational services and that the authority held by parents as their child’s guardian is recognized and upheld.

For children who have been removed from their biological parents’ custody, Iowa Special Education Procedures allow someone else to serve in the role of “parent.” According to these procedures, a “parent” could be:

- A biological or adoptive parent
- A guardian
- A grandparent, stepparent, or other relative with whom the child lives
- An individual who is legally responsible for the child’s welfare
- An extended educational decision maker
- A surrogate parent

A foster parent may not, by virtue of his or her foster parent status, be deemed a person acting as the parent of an eligible individual for special education purposes. However, foster parents are not precluded from acting as a parent and other circumstances may allow a foster parent to serve as a parent:

In general a “parent” may not be: A public or private agency involved in the education or care of a child, an employee or contractor with any public or private agency involved in the education or care of the child.

Specific examples of agencies and individuals who may not serve in the role of “parent” include: DHS or agencies contracted by DHS, group home directors involved in the care of a child, and caseworkers involved in the education or care of a child.

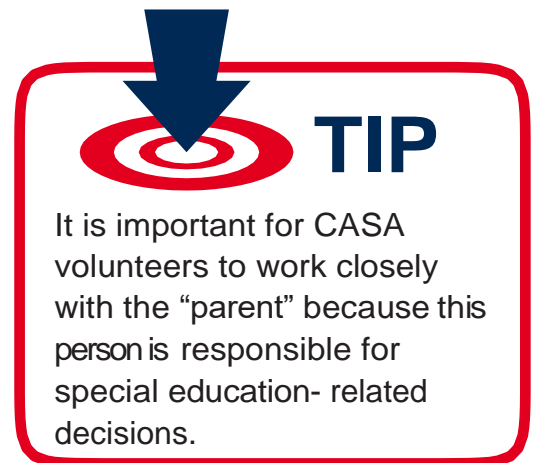
Rights and Responsibilities

If your CASA child has a disability and is receiving special education services under IDEA, he or she will have an IEP that indicates the child’s placement, including the instructional settings (general education classroom or special education classroom), who will provide the specially designed instruction or related services, annual goals and objectives of the child’s IEP, and for students who are over 14 years of age, a transition plan. The IEP team may also develop a BIP if it is determined that the student requires one. As a CASA, you have the right to attend your child’s IEP meetings and to speak up about his or her needs.

When a CASA has concerns about a child’s special education services, he or she should discuss them with the school. If the CASA believes the school has violated



a child’s special education rights or disagrees with the school about a child’s special education placement, services, evaluations, or eligibility for special education, an impartial education hearing may be requested. The CASA also has the right to request a meeting of the IEP team at any time in order to review the child’s needs.



THINGS CASASHOULD KNOW

- Make every effort to attend every IEP team meeting for your CASA child.
- Make sure you can describe the child's disability and its impact on school performance.
- Discuss what programs or services you believe the child needs and be prepared to explain why those services are the right fit.
- Ask any service providers, teachers or anyone else who knows the child and has relevant information to participate in the IEP meeting.
- Review all of your CASA child's evaluations, observations and progress reports. If you do not have an evaluation, request a copy in advance of the IEP meeting.
- If the child has received special education services in the past, try to determine how much progress the child has made since the last IEP meeting or the last evaluation. Has he or she met the goals on the previous year's IEP? If not, the student may need additional supports, services or possibly a different setting. Or, in the instance of multiple moves since the last IEP or evaluation, suggest strategies to help the child make progress.



The Special Education Process – Referral and Consent

It is important for you to know your CASA child's strengths and needs so you can advocate for an appropriate special education program, including academic rigor and effective behavior intervention strategies. Collaboration with school staff is key to solving problems and making sure your CASA child receives services that are necessary for him or her to be successful.

- Either the parent or the school staff can request a special education evaluation for the child. Requests must be in writing.
- Upon receiving a request for an evaluation, the school will either decide they a) suspect a disability and ask the parent to sign consent for the evaluation or b) do not suspect a disability and give the parent a "Prior Written Notice" document. PWR will state they decline to evaluate and why.

- Iowa procedures do not specify a timeframe that schools must either present the parent with consent to evaluate or the PWN document. In general, two weeks is thought to be a reasonable time for this to occur. Some schools schedule a “Disability Suspect Meeting” to go over whether or not they will evaluate – but not all do.
- Once consent has been signed, Iowa procedures say the school has 60 calendar days to complete the evaluation. This deadline applies in the summer months too.



Iowa is the only state that is “non-categorical” regarding special education. This means that Iowa does not use diagnostic labels to determine if a child receives special education. While private diagnoses may be discussed, they do not guarantee a child will be eligible for special education. The federal IDEA law lists 13 categories of disabilities that may qualify for special education. Iowa does not use these categories and instead calls every child who is eligible for special education an “Eligible Individual.”

Evaluations

IDEA or special education services are provided when a student is evaluated and determined to have a disability that indicates the need for specially designed instruction and related services in order to benefit from an education. In Iowa, the special education evaluation is conducted by the Area Education Agency (AEA). An AEA professional gathers all academic and behavioral data, such as grades, Iowa Assessment scores, and teacher reports. The AEA may also do new tests based on specific areas of concern.

In Iowa, special education eligibility is based on progress, discrepancy, and need. Is the student making progress in the general education environment? How much? Are they discrepant from typical peers in their performance? Do they need specially designed instruction to make progress?

Once the AEA has gathered all of the needed data, it will schedule a meeting with the IEP team to discuss and determine eligibility. The IEP team consists of school and AEA personnel. Federal law requires that the child’s teacher/s and the child’s parent be a part of the IEP team. If the child has been removed from a parent’s custody, another person may act as “parent” as described in the previous section.

Special Education Eligibility

At the IEP meeting, the AEA professional will review the data gathered and make a recommendation for special education eligibility. Others at the meeting, including the child's teachers and parent, may share their views. While federal law states eligibility is decision made by the IEP team, Iowa procedures give the AEA the final say.



If the student is considered eligible for special education services, the AEA and the school will develop an IEP for the student. The IEP generally includes the following components:

- Present levels of academic and functional performance (PLAAFP)
- Measurable annual goals
- Accommodations and/or Assistive Technology
- The extent to which the student will participate in general education classes
- Graduation or transition plan information for students 14 years and older

An IEP team meeting may be convened at any time to address the student's educational needs, but a meeting must be convened at least annually to review the student's IEP. CASAs can remind their child's parents and foster parents that they can ask for a meeting at any time.

School Transfers for Special Education Students

If a student in special education who attends an Iowa school district moves after an IEP has been established, the receiving district must provide appropriate special education services, including services comparable to those described in the previous IEP, until the new district can call an IEP meeting to review the IEP. The receiving district may choose to perform a new evaluation before establishing an IEP, but the district must provide comparable services during the interim.

Special Disciplinary Considerations



Under IDEA, students with disabilities are entitled to a Free Appropriate Public Education. Students thus have a legal right to make progress toward their IEP goals despite any change in school placement as a result of any disciplinary action. **Please see the appendix for more information about what the Iowa special education procedures say about behavior and discipline.**



Graduation

A special education student may graduate from high school by completing the minimum credit requirements for students in general education or completing the requirements of the IEP. All Iowa schools are required to have graduation policies for special education students. If this applies to your CASA child, check with the school district administration office for their policies.

To ensure success for the student and smooth interactions throughout the special education process, be sure to:

- Interact with the school staff when things are going well as often as you do when as when things are going poorly.
- Be persistent if there is no action taken when issues arise. If someone says nothing can be done, seek a second opinion. Remind school personnel that the child is entitled to a Free Appropriate Public Education and that there needs to be a strategy to address the child's needs even when resources are limited.

RESOURCES & APPENDICES

- Resources: Helpful Web Sites
- Appendix A: Glossary of Acronyms
- Appendix B: School Meeting Checklist
- Appendix C: Advocate Checklist Overview for Educational Advocacy
- Appendix D: Teacher Report to the Court
- Appendix E: Educational Checklist Part 1 and 2

RESOURCES

Iowa Educational Advocacy:

- **ASK Resource Center:** Iowa's federally funded Parent Training and Information Center. Can provide information about special education, IEPs and 504 plans. May provide advocates to attend school meetings. <http://askresource.org/>
- **Iowa AEA Policy & Procedure Manual:** This outlines the procedures the AEA and school must follow regarding special education. It is a long document – use the table of contents. [Iowa Special Education Procedures](#)
 - Pages 237-242 Determining and Defining “Parent”
 - Pages 186-208 Behavior and Discipline

IEPs and Special Education:

- **ASK Resource's IEP information:** <http://askresource.org/resources/iep/>

504 Plans:

- **ASK Resource's 504 information:** <http://askresource.org/resources/section-504/>

Behavior and Discipline:

- **ASK Resource's Behavior Information:** <http://askresource.org/resources/behavior/>

Foster Care:

- **Education of Children in Foster Care by the Iowa Department of Education:** <https://www.educateiowa.gov/education-children-foster-care>
- **All Iowa Opportunity Foster Care Grant:** <https://www.iowacollegeaid.gov/content/all-iowa-opportunity-foster-care-grant>
- **Adoption, Foster Care and Kinship Care in the School Setting:** http://www.ifapa.org/pdf_docs/EducatorsMakingaDifference.pdf
- **Child Welfare Information Gateway** <https://www.childwelfare.gov/topics/systemwide/service-array/education-services/meeting-needs/educational-stability/>

APPENDICES

Appendix A: Glossary of Acronyms

Laws, Rules, Etc.	
CAPTA	Child Abuse Prevention and Treatment Act
FERPA	Family Educational Rights and Privacy Act
IDEA	Individuals with Disabilities Education Act
Agencies and Departments	
DHS	Department of Human Services
DOE	Department of Education
IEA	Iowa Education Agency
LEA	Local Education Agency (i.e. school district)
Special Education	
BIP	Behavior Intervention Plan
FBA	Functional Behavioral Assessment
FIE	Full Individual Evaluation
IEP	Individual Education Program/Plan
LRE	Least Restrictive Environment
MDR	Manifestation Determination Review
Education	
AP	Advanced Placement
ECI	Early Childhood Intervention
ELL	English Language Learner
ESL	English as a Second Language
FAFSA	Free Application for Federal Student Aid
TAG	Talented and Gifted
LEP	Limited English Proficiency
CASA Advocacy	
GAL	Guardian Ad Litem
RTC	Residential Treatment Center
FSRP	Family Safety Risk and Permanency

Appendix B: School Meeting Checklist

The following table is a useful tool for questions to ask during meetings with school personnel:

	Who attended the meeting?
	Who is missing from the meeting?
	What information did you rely on to make decisions? Ask for copies of all important documents.
	What additional information do you need?
	What is the child's point of view?
	What support in and out of school can help the child?
	What is the plan?
	Who is responsible for following through on each component of the plan?
	What's the best way to follow up to the plan?
	When can the plan be completed?
	What is the goal/expected outcome for the child?

The following table is a useful tool for meetings related to special education:

	What is the class size and student-to-teacher ratio? Does this match the recommendations on your CASA child's IEP?
	What are the ages and grades of the other students in the class? Does the work seem appropriate for your CASA child?
	Are children grouped by skill level? At what level are the students functioning in the proposed class placement?
	How does the school provide related services such as speech, occupational or physical therapy, or other specialized instruction? Do they use a "push in model" (bringing someone in to accommodate them in the classroom) or a "pull out model" (pulling a student out for special
	How does the teacher incorporate positive reinforcement into the child's classroom setting?
	How long has the teacher been teaching at the school? How much experience does she/he have working with students with disabilities similar to your CASA child's disability?

Appendix C: Checklist Overview for Educational Advocacy

General Advocacy

- Convey your role as an advocate to school personnel.
- Respect the confidentiality of all child welfare and education records. Be discreet with whom and how you share information concerning your CASA child.
- Identify all the people involved in making education-related decisions for your CASA child.
- Communicate and collaborate with other stakeholders involved in the child's education. Relay both positive feedback and your concerns to the child's caregiver, teacher, counselor, foster parent, DHS worker, etc.
- Determine where the child is in school and identify what services are available in the surrounding area to address the child's educational needs.
- The court order grants CASA representatives access to the child's school records. Schools are likely to ask for a copy of the court order, so be prepared to provide it.
- If you anticipate a change in school placement, look at the testing calendar and other important school dates. Encourage timing for the move that will cause the least amount of interference with the child's academic progress.
- Support getting your CASA child enrolled within 3 days of a new school placement.
- If there is a change in school placement, ask: Were the records transferred by the school system promptly? Did the child receive credit? How they can catch up in their new school?
- Find out what your CASA child is interested in. Encourage extracurricular activities.
- Include education-related issues in your court report. Monitor the child's progress in school; ask the child and school staff about whether the educational needs of the child are being addressed and satisfied.
- Encourage and prepare the child to attend court to provide their perspective.

Checklist Overview for Educational Advocacy

Children with Disabilities

- Find out if the child has an IEP or 504 plan. Use the web sites in the Resources section to learn what those mean.
- Educate yourself on the child's disability and work with school staff to ensure the child has appropriate services in place.
- At IEP meetings, pay close attention to the goals on the IEP document and how the child is progressing. If the child is not making progress, discuss why with the school. Advocate for a change in instruction, services or placement – as a change is needed if progress is not occurring.
- If a parent does not agree with the IEP team's decisions, the IEP should note the parent does not agree. Get a draft of the IEP before you leave the AEA meeting, and be sure you receive a final copy soon after.
- Check the IEP to make sure it accurately reflects what was discussed at the meeting.

Appendix D: Teacher Report to Court

Teacher/School

Child's Name_____

Date of Enrollment_____

Date of this Report_____

1. Does the child have an IEP or 504 plan?
2. Describe the Child's academic performance.
3. Describe the Child's attendance or attach attendance records. Is appropriate transportation provided? By whom?
4. Describe the child's contacts with the birth parents.
5. Describe the birth parents' interactions with the school.
6. Describe the child's interactions with teachers/adults at school.
7. Describe the child's interactions with peers.
8. Is the child involved in extracurricular activities?
9. Additional comments or observations.

Signature and Title

Educational Assessment Checklist Part 1

Name: _____ Child's Name: _____

General Information

Enrollment

1. Is the child or youth enrolled in school / pre-school? _____
 - What is the name of the school? _____
2. How long has the child or youth been attending his/her current school / pre-school?

Attendance

3. Is the child or youth regularly attending school / pre-school? _____

Performance Level

4. At which grade level is this child or youth currently performing? [Is the child or youth academically on target?] _____
 - Is this the appropriate grade level for this child or youth? _____
 - If No: What is the appropriate grade level for this child or youth? _____
5. Is the child or youth receiving any tutoring or other academic supportive services? _____
6. If yes : In which subjects _____

Tracking Education Information

7. Who is involved in advocating for the child or youth's education? [parent(s), foster parent(s), guardian, etc.? _____

Change in Placement / Change in School

8. Has the child or youth experienced multiple changes in schools? _____

Health Factors Impacting Education

9. Does the child or youth have any physical, or mental health, or emotional issues that impair his or her ability to learn, interact appropriately or attend school regularly? _____

- Is the child or youth currently being prescribed any psychotropic medications? _____
- Is the child or youth experiencing any difficulty interacting with other children or youth at school? _____

Extracurricular Activities and Talents

10. What are some identifiable areas in which the child or youth is excelling at school? _____

11. Is this child or youth involved in any extracurricular activities? _____

12. Have any of the child's or youth's talents been identified? _____

Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed. National Council of Juvenile and Family Court Judges, Reno, Nevada. Adapted with Permission by NCJFCJ ©2005

Educational Assessment Checklist Part 2

Name: _____ Child's Name: _____

General Information

Enrollment

1. If currently not in a school setting, what educational services is the child or youth receiving and from whom? _____

- Is the child or youth receiving homebound or home-schooled educational services?

- If Yes: Who is responsible for providing educational materials and what information is available about their quality? _____

- If Yes: How frequently are educational sessions taking place? _____

And what is the duration of each session? _____

Provision of Supplies

2. Does the child or youth have appropriate clothing to attend school? _____

3. Does the child or youth have the necessary supplies and equipment (eg. Pens, notebooks, musical instrument) to be successful in school? _____

Transportation

4. How is the child or youth getting to and from school? _____

5. What entity (eg., school, child welfare agency) is responsible for providing transportation? _____

Attendance

6. Has the child or youth been expelled, suspended or excluded from school this year ever? _____
- If Yes: How many times? _____
 - Have proper due process procedures been followed for the expulsions, suspensions or exclusions from school? _____
 - What was the nature reason for the child's or youth's most recent expulsion, suspension or exclusion from school? _____
 - How many days of school will the child or youth miss as a result of being expelled, suspended or excluded from school? _____
 - If currently not attending school, what educational services are the child or youth receiving and from whom? _____
7. How many days of school has the child or youth missed this year? _____
- What is the reason for these absences? _____
 - What steps have been taken to address these absences? _____

 - Has the child or youth received any trancies, and if so, for how many days? _____

 - Has the child or youth been tardy, and if so, for how many times? _____

Performance Level

8. When did the child or youth last receive an educational evaluation or assessment? _____

- How current is the educational evaluation or assessment? _____

-
- How comprehensive is this assessment? _____

 - Is there a specified plan in place to help this child or youth reach the appropriate grade level? _____
9. What is the child's or youth's current grade point average? _____
- If below average, what efforts are being made to address this issue? _____

Tracking Education Information

10. Does this child or youth have a responsible adult serving as an educational advocate?

- _____
- If Yes: Who is this adult? _____
 - How long has this adult been advocating for the child's or youth's educational needs? _____
 - How often does this adult meet with the child or youth? _____
 - Does this adult attend scheduled meetings on behalf of the child or youth? _____

 - Is this adult effective as an advocate? _____

11. If there is no designated educational advocate, who ensures that the child's or youth's educational needs are being met? _____

- Who is making sure that the child or youth is attending school? _____

- Who gathers and communicates information about the child's or youth's educational history and needs? _____

- Who is responsible for educational decision-making for the child or youth? _____

-
- Who monitors the child's or youth's educational progress on an ongoing basis?

 - Who is notified by the school if the child or youth is absent (i.e., foster parent, social worker)? _____
 - Who could be appointed to advocate on behalf of the child or youth if his or her educational needs are not met? _____

Change in Placement / Change in School

12. Has the child or youth experienced a change in schools as a result of a change in his or her foster care placement? _____
- If Yes: How many times has this occurred? _____
 - What information, if any, has been provided to the child's or youth's new school about his or her needs? _____

 - Did this change in foster care placement result in the child or youth missing any school? _____
 - If Yes: How many days of school did the child or youth miss? _____
 - Have any of these absences resulted in a SARB referral? _____
 - Were efforts made to maintain the child or youth in his or her original school despite foster care placement change? _____

Health Factors Impacting Education

Physical Health

13. Does the child or youth have any physical issues that impair his or her ability to learn, interact appropriately, or attend school (e.g., hearing impairment, visual impairment)?

- If Yes: What is the physical issue? _____

-
- How is the physical issue impacting the child's or youth's education?_

- How is the need being addressed?_____

Mental Health

14. Does the child or youth have any mental health issues that impair his or her ability to learn, interact appropriately, or attend school regularly?_____

- If Yes: What is the mental health issue?_____

- How is this mental health issue impacting the child's or youth's education?

- How is the need being addressed?_____

15. Which medications have been prescribed?_____

- Has the need for the child or youth to be taking this medication been clearly explained to him or her?_____

- How will this medication affect the child's or youth's educational experience?_

Emotional Issues

16. Does the child or youth have any emotional issues that impair his or her ability to learn, interact appropriately, or attend school regularly?_____

- If Yes: What is the emotional issue?_____

- How is the emotional issue impacting the child's or youth's education?_____

- How is this need being addressed?_____

- How are difficulties interacting with other children being addressed?_____

Special Education and Related Services under IDEA and Section 504

17. If the child or youth has a physical, mental health or emotional disability that impacts learning, has this child or youth (birth to age 21) been evaluated for Special Education / Section 504 eligibility and services?_____
- If No: Who will make a referral for evaluation or assessment?_____
 - If Yes: What are the results of such an assessment?_____

 - Have the assessment results been shared with the appropriate individuals at the school?_____
18. Does the child or youth have an appointed surrogate pursuant to IDEA (e.g., child's or youth's birth parent, someone else meeting the IDEA definition of parent, or an appointed surrogate parent)?_____
- If No: Who is the person that can speak on behalf of the educational needs of the child or youth?_____
 - Has the court used its authority to appoint a surrogate for the child or youth?_____

 - Has the child's or youth's education decision-maker been informed of all information in the assessment and does that individual understand the results?_____

19. Does this child or youth have an Individualized Education Plan (IEP)?_____
- If Yes: Is the child's or youth's parent or caretaker cooperating in giving IEP information to the appropriate stakeholders or signing releases?_____
 - Is this plan meeting the child's or youth's needs?_____

 - Is the child's or youth's educational decision-maker fully participating in developing the IEP and do they agree with the plan?_____
20. Does this child or youth have a Section 504 Plan?_____

-
- If Yes: Is this plan meeting his or her needs?_____
 - Is there an advocate for the child or youth participating in meetings and development of this plan?_____

Extracurricular Activities and Talents

21. Which activities is the child or youth involved in?_____

- Are efforts being made to allow this child or youth to continue in his extracurricular activities (e.g., provision of transportation, additional equipment, etc.)?_____
- What talents have been identified and are efforts being made to encourage the child or youth to pursue these talents?_____

Transitioning

22. Does the youth have an independent living plan?_____

- If Yes: Did the youth participate in developing this plan?_____
- Does this plan reflect the youth's goals?_____
- If Yes: Does the plan include participation in Chafee independent living services?_____
- Does this plan include vocational or post-secondary educational goals and preparation for the youth?_____

23. Is the youth receiving assistance in applying for post-secondary schooling or vocational training?_____

24. Is the youth being provided with information and assistance in applying for financial aid, including federally-funded Education and Training Vouchers (see Chafee Foster Care Independence Program)?_____

25. If the youth has an IEP, does it address transition issues?_____

-
- If Yes: What does this transition plan entail? _____

 - Did the youth participate in developing the transition plan? _____
 - Is this transition plan coordinated with the youth's independent living plan _____

Practice Tip: When appropriate, consider addressing these questions directly to the children and youth. *Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed.* National Council of Juvenile and Family Court Judges, Reno, Nevada. Adapted with Permission by NCJFCJ © 2005